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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,248	02/26/2002	David D. Rowley	23415-013	1772

909 7590 10/19/2005

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,248

Applicant(s)

ROWLEY ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/3/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1, 7, 11, 16 and 21.

Claim 26 is new.

Claims 1-26 are pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112, second paragraph

2. Claims 1, 4- 6, 21 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4-6, 21 and 23-25 recite the limitation "the student". There is insufficient antecedent basis for this limitation in the claims. Clarification and/or correction are required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ciarallo et al* (USPN 6,704,541) in view of *Johnston et al* [US 2002/0103882].

a. Per claims 1 and 21 (differ only by statutory subject matter), *Ciarallo et al* teach a computer implemented method for enabling a user to perform an exercise remotely using a client system, comprising:

- receiving a request from the user to connect to a remote server, wherein the request includes user information at the server data transmitted from the client system, wherein the data indicates that the student selected a particular exercise from the list (col.5 line 34-col.6 line 4, col.7 lines 23-27);
- accessing a course database to determine one or more courses associated with the user, based on the user information (col.1 line 50-col.2 line 12, col.7 lines 1-26);
- transmitting a list of courses associated with the user to the client system, wherein each course in the list of courses includes one or more exercises (col.7 lines 23-36);
- receiving data indicating selection of a user-selected course from the list of courses (col.7 lines 27-49);
- accessing the course database to determine the one or more exercises associated with the selected course (col.7 lines 34-40); and
- transmitting a list of exercises, associated with the selected course from the server to the client system, whereby the client system displays the list of exercises to the student (col.4 lines 1-15, col.4 line 54-col.5 line 33, col.7 lines 23-49),

Yet *Ciarallo et al* fail to explicitly teach wherein each exercise on the list is associated with one or more virtual machines. However *Johnston et al* teach users of client devices selecting an exercise, wherein the exercises are associated with virtual machines [paragraphs 0031-0035, 0040-0045 and 0047-0050]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Ciarallo*

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et al and *Johnston et al* for the purpose of providing a virtual environment for implementing the remote student-access of exercise; because it would provision live and interactive communication for accessing and completing exercises in one or more simultaneous execution environments over the Internet.

b. **Claims 7, 11 and 16** contain limitations that are substantially similar to claims 1 and 21 and are therefore rejected under the same basis.

c. **Per claim 2**, *Ciarallo et al* and *Johnston et al* teach the method of claim 1, *Johnston et al* further teach wherein the client system comprises a web browser and a remote display viewer [paragraphs 0055-0056].

d. **Per claim 3**, *Ciarallo et al* and *Johnston et al* teach the method of claim 1, *Johnston et al* further teach wherein the act of launching the one or more virtual machines comprises step of sending a message to a virtual machine launcher, wherein the message includes an identifier that identifies the particular exercise [paragraphs 0040-0050, 0060-0067 and 0071-0073].

e. **Claim 22** is substantially equivalent to claim 3 and is therefore rejected under the same basis.

f. **Per claims 4**, *Ciarallo et al* and *Johnston et al* teach the method of claim 1, *Johnston et al* further teach wherein the data transmitted to the client system further directs the client system to display to the student one or more selectable icons or links, wherein each one of the selectable icons or links is associated with a unique one of the one or more virtual machines that are associated with the particular exercise [paragraphs 0040-0042, 0063 and 0069-0071; user activates link for requesting a virtual environment associated with the DLUs and virtual machines].

g. **Claims 8, 15 and 23** are substantially equivalent to claim 4 and are therefore rejected under the same basis.

h. **Per claim 5**, *Ciarallo et al* and *Johnston et al* teach the method of claim 4, *Johnston et al* further teach further comprising receiving at the server data transmitted from the client system, wherein the data indicates that the student activated one of the selectable icons or links [paragraph 0042; user activates link for requesting a virtual environment].

i. **Claim 24** is substantially equivalent to claim 5 and is therefore rejected under the same basis.

j. **Per claim 6**, *Ciarallo et al* and *Johnston et al* teach the method of claim 5, *Johnston et al* further teach further comprising: determining the virtual machine associated with the activated icon or link, wherein the virtual machine has an operating system that generates a user interface; and transmitting to the client system the user interface, wherein the client system displays the user interface to the student, thereby enabling the student to interact with the operating system [paragraphs 0040-0046, 0048-0051 and 0055-0056].

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k. **Claim 25** is substantially equivalent to claim 6 and is therefore rejected under the same basis.

l. **Claim 9** is substantially equivalent to claims 4-6 and is therefore rejected under the same basis.

m. **Per claim 10**, *Ciarallo et al* and *Johnston et al* teach method of claim 7, *Johnston et al* further teach further comprising the step of receiving data transmitted from the server after transmitting the exercise identifier to the server, wherein the viewer establishes the connection with the remote display server in response to the reception of the data [paragraphs 0040-0050 and 0054-0064].

n. **Per claim 12**, *Ciarallo et al* and *Johnston et al* teach the system of claim 11, *Johnston et al* wherein the first computer system further comprises a back-end server, wherein each one of the virtual machine launchers registers with the back-end server [paragraphs 0034-0039, 0044-0050, 0053-0065 and Figure 6; virtual machines are registered with DLUs and DLM].

o. **Per claim 13**, *Ciarallo et al* and *Johnston et al* teach the system of claim 11, *Johnston et al* further teach wherein in selecting one of the plurality of second computer systems, the front-end server determines which of the plurality of second computer systems are available and selects one of the available second computer systems [Figure 6, paragraphs 0044-0053 and 0059-0069].

p. **Per claim 14**, *Ciarallo et al* and *Johnston et al* teach the system of claim 11, *Johnston et al* further teach wherein, after receiving the exercise identifier transmitted from the front-end server, the virtual machine launcher transmits to the front-end server one or more virtual machine identifiers, wherein each one of the one or more virtual machine identifiers identifies one of the virtual machines with which the particular exercise is associated [paragraphs 0040-0049].

q. **Per claim 17**, *Ciarallo et al* and *Johnston et al* teach the computer system of claim 16, *Johnston et al* further teach wherein the virtual machine launcher receives the identifier from a server running on a second computer system [paragraphs 0040-0045].

r. **Per claim 18**, *Ciarallo et al* and *Johnston et al* teach the computer system of claim 17, *Johnston et al* further teach wherein, after determining the one or more virtual machines with which the identified exercise is associated, the virtual machine launcher transmits to the server one or more virtual machine identifiers, wherein each one of the one or more virtual machine identifiers identifies one of the determined virtual machines [paragraphs 0044-0048 and 0060-0064].

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s. **Per claim 19**, *Ciarallo et al* and *Johnston et al* teach the computer system of claim 18, *Johnston et al* further teach wherein, in response to receiving from the server an identifier that identifies one of the determined virtual machines, the virtual machine launcher brings into focus the window in which the identified virtual machine is running [paragraphs 0054-0056].

t. **Per claim 20**, *Ciarallo et al* and *Johnston et al* teach the computer system of claim 17, *Johnston et al* further teach further comprising a remote display server, wherein, after receiving a network address of a second computer system, the virtual machine launcher directs the remote display server to accept only connections that originate from that network address [paragraphs 0035-0036, 0043, 0048-0049 and 0070-0074].

u. **Per claim 26**, *Ciarallo et al* and *Johnston et al* teach the method of claim 1, *Johnston et al* further teach the method further comprising:

- receiving at the server data transmitted from the client system, wherein the data indicates that the student selected a particular exercise from the list [paragraphs 0036-0040 and 0065; server receives user's input selection of an exercise, wherein the server comprises identification for the variety of exercises accessible to the user];
- launching on a computer system that comprises a remote display server the one or more virtual machines that are associated with the particular exercise [paragraphs 0040-0050, 0055, 0065 and 0070-0074; after receiving instructions from the DLM, the DLU launches the virtual machines associated with the user's selected exercise]; and
- transmitting data to the client system, wherein the data directs the client system to establish a session with the remote display server, whereby the student is able to use the client system to remotely interact with at least one of the one or more virtual machines after the connection is established [paragraphs 0029-0035, 0039, 0048-0058 and 0070-0074; data is transmitted to the client system upon the establishment of a session connection with the virtual machines which facility a remote desktop for the user to interact with the virtual machines].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Sanda* (USPN 6,871,043), *Helmick et al* (USPN 6,674,992), *Van Schaack et al* (USPN 6,652,283), *Ceretta et al* (USPN 6,370,355).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

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